

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

ROBERT L. JOHNSON,	:	
Plaintiff,	:	
vs.	:	CIVIL ACTION 04-0707-CG-M
FRANK SINKSTON, et al.,	:	
Defendants.	:	

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and a de novo determination of those portions of the Report and Recommendation to which objection is made, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636 (b)(1)(B) is **ADOPTED** as the opinion of this Court. It is **ORDERED** that Plaintiff's complaint be and is hereby **DISMISSED** without prejudice.

The Clerk is **DIRECTED** to send to the Commissioner of the Alabama Department of Corrections a copy of the Report and Recommendation recommending the dismissal of this action, of this Order adopting the Report and Recommendation, and of the Judgment dismissing this action.

DONE this 22nd day of March, 2006.

/s/ Callie V. S. Granade
CHIEF UNITED STATES DISTRICT JUDGE